

IMPERIAL COAL COMPANY, GIBRALTAR.

LETTER

FROM

THE SECRETARY OF WAR.

TRANSMITTING

OFFICIAL REPORTS OF THE CLAIM OF THE IMPERIAL COAL
COMPANY, OF GIBRALTAR.

JANUARY 13, 1904.—Referred to the Committee on Claims and ordered to be printed.

WAR DEPARTMENT,
Washington, January 9, 1904.

SIR: I have the honor to transmit herewith official reports concerning the claim of the Imperial Coal Company, of Gibraltar, for damage to their private buoy and chain-holding hulks at that place by the U. S. army transport *Kilpatrick*, on or about November 25, 1900, stated at £100.

It appears from these reports that in order to avoid a collision with another steamer the transport reversed her engines at full speed, swinging the ship around the buoy and breaking it from its moorings. It also appears that the United States is properly responsible for the damage inflicted in the amount stated, and it is therefore recommended that legislation be enacted to authorize the payment of \$500 to the Imperial Coal Company, Gibraltar, in full settlement of the damage referred to.

Very respectfully,

ELIHU ROOT,
Secretary of War.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

LONDON, E. C., *September 5, 1903.*

SIR: My principals, the Imperial Coal Company, Gibraltar, have forwarded me the inclosed claim for £100, for damage to their private buoy and chain holding hulk's moorings, at Gibraltar, caused by the U. S. army transport *Kilpatrick*, on or about the 25th November, 1900. I inclose (attached to the claim) written acknowledgment by the captain, but no doubt you were notified of the accident at the time.

They write me that the reason the claim was not put forward before was that they had been advised to wait until the *Kilpatrick* arrived at Gibraltar, on her way back to the United States. This steamer arrived at Gibraltar on the 26th ultimo, and they had an interview with the quartermaster's clerk on the subject, and he informed them that he had no funds for other than ship's absolute requirements and referred them to you.

In these circumstances I now beg to hand you the claim, and shall be much obliged if you will kindly give this matter your attention and favor me with a settlement as soon as possible.

I am, sir, your obedient servant,

E. LINDSAY BLEE,

Per Pro. W. N. HOLLINGWORTH,

Sole Agent for the Imperial Coal Company, Gibraltar.

The QUARTERMASTER-GENERAL U. S. ARMY,

Washington, U. S. A.

[First indorsement.]

WAR DEPARTMENT,

QUARTERMASTER-GENERAL'S OFFICE,

Washington, September 18, 1903.

Respectfully referred, by direction of the Quartermaster-General, to Capt. D. W. Arnold, transport quartermaster, army transport *Kilpatrick*, through the depot quartermaster, New York City, for full report of all the circumstances under which the damage to the buoy within referred to was incurred, and for information as to whether the amount claimed (£100) is considered a reasonable value for the damage done to the buoy and chain, and whether such claim, in his opinion, is a just and proper charge against the Government.

These papers to be returned to this office.

CHAS. F. LONG,

Major and Quartermaster, U. S. Army.

[Second indorsement.]

OFFICE OF DEPOT QUARTERMASTER,

New York, N. Y., September 21, 1903.

Respectfully transmitted to Capt. D. W. Arnold, quartermaster, U. S. army transport *Kilpatrick*, New York.

G. S. BINGHAM,

Major and Quartermaster, U. S. Army,

Depot Quartermaster.

[Third indorsement.]

OFFICE OF QUARTERMASTER,

U. S. ARMY TRANSPORT KILPATRICK,

New York, N. Y., September 30, 1903.

Respectfully returned to the Quartermaster-General, U. S. Army, Washington, D. C., through depot quartermaster, New York, N. Y., with the information that when this transport arrived at Gibraltar we were recommended to hire a pilot who was alongside, who piloted the ship in from a boat at the side of the ship, which was in quarantine; that no action was taken in relation to the damaging of the buoy until

the following day, when just prior to the time of sailing I was informed that a claim for £100 had been made for the same.

The master of the transport and myself visited the captain of the port and informed us that there were no authorized pilots for Gibraltar Harbor, and they were not responsible for damages. It is the opinion of the master and myself, after due inquiry, that the estimated value of buoy, chain, and anchor, if entirely lost, is \$300, which is the price here.

D. W. ARNOLD,
Captain and Quartermaster, U. S. Army.

[Fourth indorsement.]

NEW YORK DEPOT, *October 5, 1903.*

Respectfully forwarded to the Quartermaster-General of the Army, inviting attention to the third indorsement hereon.

G. S. BINGHAM,
Major and Quartermaster, U. S. Army, Depot Quartermaster.

[Fifth indorsement.]

WAR DEPARTMENT,
OFFICE OF THE QUARTERMASTER-GENERAL,
Washington, December 16, 1903.

Respectfully returned, by direction of the Quartermaster-General, to Capt. D. W. Arnold, transport quartermaster, army transport *Kilpatrick*, through the depot quartermaster, New York City, for further remark, attention being invited to copy of letter of this office to Mr. E. Lindsay Blee, and reply thereto from the manager of the Imperial Coal Company of Gibraltar.

CHAS. T. LONG,
Major and Quartermaster, U. S. Army.

[Sixth indorsement.]

DEPOT QUARTERMASTER'S OFFICE,
New York City, N. Y., December 17, 1903.

Respectfully transmitted to Capt. D. W. Arnold, quartermaster, U. S. army transport *Kilpatrick*.

G. S. BINGHAM,
Major and Quartermaster, U. S. Army, Depot Quartermaster.

[Seventh indorsement.]

OFFICE OF QUARTERMASTER,
U. S. ARMY TRANSPORT KILPATRICK,
New York City, December 18, 1903.

Respectfully returned to the Quartermaster-General, United States Army, Washington, D. C., through depot quartermaster, New York City, with the information that when the master and myself estimated the value of the buoy, chain, and anchor at \$300 we only allowed for one anchor, while the coal company claims to have lost three. With the additional anchors and chains it is believed that it would bring the cost to about the amount of their bill.

D. W. ARNOLD,
Captain and Quartermaster, U. S. Army.

[Eighth indorsement.]

DEPOT QUARTERMASTER'S OFFICE,
New York City, N. Y., December 19, 1903.

Respectfully returned to the Quartermaster-General, United States Army.

G. S. BINGHAM,
Major and Quartermaster, U. S. Army, Depot Quartermaster.

[Ninth indorsement.]

WAR DEPARTMENT,
 OFFICE OF THE QUARTERMASTER-GENERAL,
Washington, December 24, 1903.

Respectfully submitted to the Secretary of War.

Mr. E. Lindsay Blee, agent for the Imperial Coal Company, Gibraltar, presents claim for damages to the buoy and chain belonging to that company at Gibraltar, caused by the army transport *Kilpatrick* on November 25, 1900, amounting to £100.

An investigation of the claim, as shown by the reports herewith, shows that upon arrival of the *Kilpatrick* at Gibraltar the transport was ordered by the post surgeon to go into quarantine, and a pilot took charge of the transport and proceeded toward the anchorage; that the vessel passed close to the buoy belonging to the Imperial Coal Company, and to avoid a collision with another steamer lying at anchor a short distance from the buoy the engines of the transport were reversed full speed, swinging the ship around the buoy, breaking it from its moorings.

It further appears that there are no licensed pilots at Gibraltar, and therefore the United States is properly held responsible for the damage.

The transport quartermaster of the *Kilpatrick* reports that it is estimated by himself and the master of the transport that the amount claimed is about correct.

It is recommended that Congress be asked to authorize payment of the sum of \$500 to the Imperial Coal Company, Gibraltar, for damages to their buoy, anchors, and chain, in full settlement of their claim.

C. F. HUMPHREY,
Quartermaster-General U. S. Army.

The Quartermaster-General United States Army, Washington, Dr., to The Imperial Coal Company, Gibraltar.

Claim for damage to private buoy and chain holding hulk's moorings belonging to the above company, at Gibraltar, caused by U. S. army transport *Kilpatrick*, on or about 25th November, 1900, as per written acknowledgment by the captain, herewith..... £100

GIBRALTAR, 24th August, 1903.

GIBRALTAR, November 26, 1900.

While moving the U. S. army transport *Kilpatrick* to a place for anchorage in the port of Gibraltar, the ship ran into and broke loose and damaged, so that it is unfit for use, a private buoy belonging to the Imperial Coal Company. I employed a pilot to direct the movements of the ship, and this accident happened while he was so employed.

I have since been informed by the captain of the port that there are no regular pilots recognized by the Government here, and that they can not be held responsible.

GEO. O. ROGERS,

Master U. S. Army Transport Kilpatrick.

I concur in the above statement.

D. W. ARNOLD,

Captain and Acting Quartermaster, U. S. Volunteers.

36 FENCHURCH STREET, LONDON, E. C.,

October 28, 1903.

SIR: On the 5th ultimo I had the honor of writing you with reference to the claim for damage to the Imperial Coal Company's hulk at Gibraltar, and am, up to the time of writing, without the favor of your esteemed reply. I shall be glad to hear if you have been able to find time to go into this matter.

I am, sir, your obedient servant,

E. LINDSAY BLEE,

Sole Agent for the Imperial Coal Co., Gibraltar.

The QUARTERMASTER-GENERAL, UNITED STATES ARMY,

Washington, U. S. A.

WAR DEPARTMENT,

OFFICE OF THE QUARTERMASTER-GENERAL,

Washington, November 4, 1903.

SIR: Referring to your letter of September 5, 1903, inclosing claim of the Imperial Coal Company, Gibraltar, for damage to their private buoy and chain holding hulks, at Gibraltar, by the army transport *Kilpatrick*, on or about November 25, 1900, stated at £100, requesting settlement thereof, you are respectfully informed, by direction of the Quartermaster-General, that the papers have been referred to the officer in charge of the transport *Kilpatrick*, who submits reports stating the circumstances under which the buoy referred to became broken from its moorings by reason of the *Kilpatrick* swinging against it, the *Kilpatrick* at the time being in charge of a local pilot.

While it is recognized that there were no authorized pilots in Gibraltar Harbor who could be held responsible for damage, the transport quartermaster and master of the *Kilpatrick* report that in their opinion the estimated value of the buoy, chain, and anchor, if entirely lost, would be approximately \$300, but that after the buoy had broken from its moorings it was picked up by a coal hulk close by.

It is also thought that when moorings, nets, buoys, etc., are placed in a main channel way or roadstead they are so placed at their owners' risk, this being the recognized practice in this country.

It also appears from the reports of the transport quartermaster and master of the *Kilpatrick* that the damage done was limited to the parting of the chain holding the buoy, which damage could be easily

and cheaply repaired at a much less cost than that indicated in the claim as presented.

Before action can be taken looking to a settlement of the claim further information is desired as to what disposition was made of the buoy after it was picked up by the coal hulk and what the actual cost would have been for replacing it in its position.

Respectfully,

OSCAR F. LONG,
Major and Quartermaster, U. S. Army.

Mr. E. LINDSAY BLEE,
36 Fenchurch street, London, E. C., England.

IMPERIAL COAL COMPANY,
Gibraltar, November 26, 1903.

SIR: Our London agent, Mr. E. Lindsay Blee, has forwarded us a copy of your communication, dated the 4th instant, regarding our claim for damage done to a buoy and its moorings by the transport *Kilpatrick*.

We regret to notice that the officers of the *Kilpatrick* have not placed the matter before you in as serious a light as it deserves. The buoy, which is still on board our hulk, was so damaged by the *Kilpatrick's* propeller blades that it was rendered unfit for further service, and the chain and wire rope which connected it to the three anchors below were cut and lost in 22 fathoms. We were also unable to recover the three kedge anchors on account of the depth of water.

The buoy in question was a very valuable steel one, and together with the wire, chain, and kedge anchors cost us about £80. Besides this, we spent £26 in the hire of another buoy and moorings to mark the spot. We think by this you will see that we are not unreasonable in our claim.

We take this opportunity of offering to supply your Department's transports with best Welsh coal here over next year at 26s. per ton f. o. b., lightered and trimmed into bunkers. We can give greater facilities to your transports than any other firm here in the way of quick dispatch, controlling as we do special craft for speedy coalings. We may mention that we supplied the U. S. yacht *Varuna* with 500 tons in seven hours the same day as the transport *Sumner* finished coaling. We understand that she was three days taking in 800 tons.

In the event of your entertaining our offer we would communicate with our American agents on the subject.

Trusting to receive a favorable reply, we remain, sir,

Yours, respectfully,

THE IMPERIAL COAL CO.,
C. W. MARHEAVEN, *Manager.*

Maj. CHAS. F. LONG,
Quartermaster, U. S. Army, Washington.

OFFICE OF QUARTERMASTER,
TRANSPORT KILPATRICK,
Port Said, Egypt, December 5, 1900.

SIR: I have the honor to transmit herewith statements from the ship's officers in relation to the damaging of the buoy of the Imperial Coal Company in the harbor Gibraltar on November 25, 1900.

Very respectfully,

D. W. ARNOLD,
*Captain and Assistant Quartermaster, U. S. Volunteers,
Commanding Transport.*

The QUARTERMASTER-GENERAL OF THE ARMY,
(Through General Superintendent Army Transport Service,
New York City.)

[First indorsement.]

OFFICE GENERAL SUPERINTENDENT
ARMY TRANSPORT SERVICE,
New York, December 24, 1900.

Respectfully forwarded to the Quartermaster-General, Washington, D. C., with the information that no claim relative to this buoy has been received in this office.

T. E. TRUE,
*Major and Quartermaster, U. S. Volunteers,
General Superintendent Army Transport Service.*

U. S. ARMY TRANSPORT KILPATRICK, *November 27, 1900.*

CAPTAIN: I have the honor to submit the following report in relation to the damaging of the buoy belonging to the Imperial Coal Company in the harbor of Gibraltar, on Sunday, November 25, 1900.

At 1.50 p. m. pilot took charge to proceed to anchorage; passed close to a buoy which pressed close alongside ship and prevented her steering; stopped engine and reversed, full speed astern, to avoid collision with another steamer which lay moored close to the buoy. When ship lost headway we let go anchor to avoid damage, the buoy being then under our port side with wind on starboard side; started the engine a turn ahead to clear the buoy and swing to anchor; while ship was swinging, the buoy broke from its moorings, having fouled our propeller or rudder when propeller was not in motion.

Respectfully,

H. JONES,
Third Officer U. S. Army Transport Kilpatrick.

Capt. D. W. ARNOLD,
*Assistant Quartermaster, U. S. Volunteers,
Commanding Transport.*
(Through Master of Transport.)

OFFICE OF MASTER U. S. ARMY TRANSPORT KILPATRICK,
At sea, November 27, 1900.

CAPTAIN: I have the honor to report the following in relation to the damaging of the buoy belonging to the Imperial Coal Company in the harbor of Gibraltar on Sunday, November 25, 1900.

At 1.25 p. m. Europa point bore east, slowed to half speed; 1.26 slow, 1.30 stopped. At 1.40 boarding officer came alongside and inquired for health certificate, but on being informed that we had none, told us we would have to go into quarantine until the port surgeon came on board, and said that the pilot would show us where to anchor; 1.50 pilot took charge and proceeded toward the anchorage; passed close to

a buoy which pressed close alongside on port side; reversed the engine full speed astern to avoid collision with another steamer which lay at anchor a short distance from the buoy. When ship lost headway we let go anchor to avoid damage, the buoy then being under our port side and wind on starboard side; started the ship ahead to give her sufficient headway to clear the buoy, but stopped the engine before the buoy had reached the propeller. In dragging along past the buoy it broke from its moorings and the ship swung to her anchor alongside of the above-mentioned steamer a short distance away. At 3 p. m. released from quarantine, hove up anchor and changed berth; 3.10 anchored in a clear berth.

Very respectfully,

GEO. O. ROGERS,

Master U. S. Army Transport Kilpatrick.

Capt. D. W. ARNOLD,

Assistant Quartermaster, U. S. Volunteers,

Commanding U. S. Army Transport Kilpatrick.

U. S. ARMY TRANSPORT KILPATRICK,

At sea, November 27, 1900.

CAPTAIN: I have the honor to submit the following report in relation to the damaging of the buoy belonging to the Imperial Coal Company in the harbor of Gibraltar on Sunday, November 25, 1900.

Arrived at Gibraltar anchorage in outer harbor, got pilot and shifted ship to inner harbor. Anchored under pilot's direction, and to avoid collision with British steamer *Hopedale* had to put the engine full speed astern and in doing so the ship swung onto buoy on port side and parted her from her moorings. Buoy was later picked up by coal hulk close by. Strong breeze blowing at the time.

A. PATTERSON,

Second Officer U. S. Army Transport Kilpatrick.

Capt. D. W. ARNOLD,

Assistant Quartermaster General, U. S. Volunteers,

Commanding Transport.

(Through Master of Transport.)

U. S. ARMY TRANSPORT KILPATRICK, *December 2, 1900.*

This is to state that on Sunday, the 25th of November, I was on the bridge of the *Kilpatrick* when she was being piloted to her anchorage, and that I witnessed the destruction of the iron buoy in the harbor of Gibraltar. A pilot gave directions from a boat alongside, and these were followed implicitly by Captain Rogers, who several times cautioned the pilot regarding the buoy, stating that he, Captain Rogers, was afraid of getting the buoy in his wheel.

In my opinion, Captain Rogers was in no way to blame, as he followed the pilot's directions. There was danger of the ship running into a collier just ahead and a wooden ship immediately astern.

GUY C. M. GODFREY,

Captain, Medical Department, U. S. Army.

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